



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

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Docket No. 2439-21
Ref: Signature Date

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Dear █:

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 28 September 2021. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, relevant portions of your naval record and applicable statutes, regulations, and policies. In addition, the Board considered the advisory opinion contained in Office of the Chief of Naval Operations memorandum 7431 Ser N130C2/21U0560 of 27 April 2021 and Commander, Navy Recruiting Command letter 1133 Ser N35 of 22 July 2021; a copy of which was previously provided to you for comment.

On 16 August 2011, you entered active duty. On 24 December 2011, you got married.

In accordance with the Joint Travel Regulations (2017), ordinarily a housing allowance is paid based on the member's Permanent Duty Station (PDS) or the home port for a member assigned to a ship or afloat unit. When a member is ordered on a Permanent Change of Station (PCS) between PDSs located in proximity and, at the new PDS, the member continues to commute from the residence occupied while at the old PDS, the housing allowance continues for the time between the member's detachment from the old PDS and reporting to the new PDS, unless otherwise prohibited in this Chapter. If a member is reassigned under the conditions of a low-cost or no-cost PCS and not authorized a Household Goods (HHG) move, the housing allowance is based on the old PDS if requested by the member, and the Service selected decision process determines that it would be inequitable to base the member's allowances on the housing cost in the new PDS area to which the member is assigned.

On 10 April 2017, you arrived to NTAG █ for duty. Furthermore, Petitioner was authorized Basic Allowance for Housing (BAH) at the with-dependent rate for █.

On 13 April 2017, Commanding Officer, Navy Recruiting District █ notified Personnel Support Detachment, █ that this is to certify that Petitioner was currently attached to NRS

[REDACTED]. Petitioner was entitled to Basic Allowance for Housing at zip code [REDACTED] located in [REDACTED] effective 10 Apr 2017.

President, Recruiter development Board notified Commanding Officer, NRD [REDACTED] that on 6 July 2017, a recruiter development Board was convened to review the development of Petitioner. It was recommend that he move out of [REDACTED] to Station closer in proximity to his location. Commuting was a human factor with the potential to have profoundly negative impact on Petitioner's life.

On 5 April 2021, you transferred to [REDACTED] for temporary duty.

You requested BAH at the with-dependent rate for [REDACTED] vice [REDACTED]; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that although the Recruiter Review Board recommended that you move out of [REDACTED] to Station closer in proximity to your location, the command was acting in your best interest, not on low manning rates at either command. In July 2017, both NRS [REDACTED] and NRS [REDACTED] were staffed above 95% of billets authorized. The Board concluded it was your choice to live in an area that was beyond a reasonable commuting distance from your assigned duty station. In this connection, the Board substantially concurred with the comments contained in both advisory opinions.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

10/22/2021

[REDACTED]

Deputy Director

Signed by: [REDACTED]